

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

RECEIVED**MAY 11 1993**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of
MARTHA J. HUBER, et. al.,
For Construction Permit for a
New FM Station on Channel 234A
in New Albany, Indiana

MM Docket No. 93-51

To: The Honorable Richard L. Sippel
Administrative Law Judge

**OPPOSITION TO MOTION TO ENLARGE ISSUES
AGAINST STATON COMMUNICATIONS, INC.**

Staton Communications, Inc. ("Staton"), by its attorneys, hereby opposes the Motion to Enlarge Issues filed on April 26, 1993 by Rita Reyna Brent. As will be set forth below, the Motion was predicated upon a simple misinterpretation of Staton's bank letter. The attached declaration of the banker completely resolves any ambiguity which might have been present in the original bank letter.

Brent's Motion is based entirely upon a single premise. The bank letter issued to Staton by HomeTrust Bank in the fall of 1991 was addressed to both Mildred Staton and Kenneth Ramsey. Ms. Staton is Staton's sole voting shareholder and is proposed to work full-time at the New Albany station. Mr. Ramsey holds non-voting

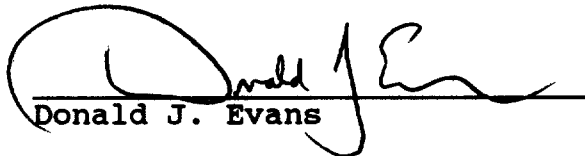
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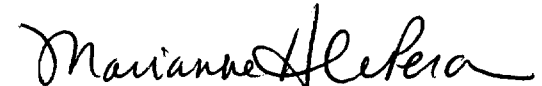
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stock in the company, does not propose to be involved in station management, and, indeed, is precluded by the corporation's articles from being so involved. The gist of Brent's Motion is that the HomeTrust letter, by its terms, states that "we would be relying on your commitment to continued participation in the venture and the management of the radio station as part of the loan application." (Emphasis added) Since Mr. Ramsey is precluded from being involved in the station's management, Brent concludes that a material

condition of the loan application must be satisfied

Respectfully submitted,
Staton Communications, Inc.


Donald J. Evans


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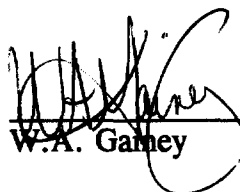
DECLARATION OF W.A. GAINNEY

1. I am W.A. Gainney, Senior Vice President and Director of Lending for Trust Company Bank of North Georgia. I have been advised that a question has been raised regarding my November 15, 1991 letter to Ms. Mildred Staton and Mr. Kenneth Ramsey.

2. Before issuing the letter, I had had contacts with Mr. Ramsey in connection with some of his other communications ventures. I was therefore familiar with his personal financial condition. Mr. Ramsey contacted me in the fall of 1991 regarding a conditional loan commitment for a new FM radio station in New Albany in which I understood he was to be a sizeable shareholder. Mr. Ramsey made it clear, and I understood, that he would not personally be involved in the management of the radio station. He indicated, rather, that the other proposed owner, Ms. Mildred Staton, would manager the station on a day to day basis. I understood, based on my review of her resume, that Ms. Staton had considerable experience as a broadcaster.

3. The wording of the last sentence in my November 15, 1991 letter intended to indicate that we were acquainted with Mr. Ramsey and that we would be relying on his and Ms. Staton's continued participation in the venture, and that we assumed Ms. Staton would manage the radio station.

4. I declare the foregoing to be true under penalty of perjury.


W.A. Gainney


DATE

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, a secretary in the law firm of McFadden, Evans & Sill, do hereby certify that true and correct copies of the foregoing "Opposition to Motion to Enlarge Issues Against Staton Communications, Inc." were mailed this 11th day of May, 1993, by First Class U.S. Mail, postage prepaid, to the following:


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(By Hand Delivery)
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